Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the matter of	)	
	)	RM-11099
Amendment of Sections 74.1204(a)	)	
and 73.807 of the Commission's Rules	)	
	)	

JAN SCHIEFER's COMMENTS

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Summary

The problem of a listening public underserved by local content is very real, not only in New Jersey, but in the whole of the country. The solution to this problem may actually lie in more translators and small, local stations, not less, as will be detailed below. With the Radio Broadcast Datat System ("RBDS"), the necessary technology certainly exists today. There is strong potential for innovation from small, indepedent broadcasters, which should not be interefered with. The proposal from the New Jersey Broadcaster Association is without technical merit and seems to be designed to keep out competition and protect the status quo.

Localism and "Economic Interference"

Broadcast content that is locally produced and locally relevant is sorely missing from the FM dial. The lack of interest in local issues and local programming by most of the

commercial broadcasters have to be held responsible for this trend in the past several years, particularly in the wake of consolidation. I do resonate with the sentiment that locally based broadcasters can do a much better job of creating relevant programming than stations from other markets.

What I am not convinced about however, is that an association of commercial broadcasters is qualified to make claims of localism, based solely on being located in the same state as their listeners. Furthermore, the Petition provides no evidence whatsoever to support the NJBA's claims that the stations it represents provide a more relevant service to New Jersey listeners than the out-of-state stations currently serving this audience.

Reading the petition, I found footnote 44 to be somewhat entertaining. We are told that "Many FM stations rely on Arbitron ratings in order to generate income to pursue the broadcaster's mission." This is not very accurate, as generating income is precisely the mission of the commercial broadcaster (that is why they are called "commercial"). But it gets better: "The Commission should also implement a rule prohibiting translator stations from occupying frequencies within Arbitron markets that are already occupied by existing broadcasters". By this, we get reminded that commercial radio serves mainly their primary customer - the advertiser. The main concern behind the Petition is the preservation and expansion of advertising revenue. The listener is treated as incidental.

Which brings us to the wonderful term "Economic Interference", which the NJBA introduces to the world. This is a what the rest of us would call "competition". Indeed, when you read the NJBA proposal and replace every single instance of the word "interference" with "competition", the real motivation behind the Petition becomes much clearer.

Quality of life as determined by the number of FM stations

In section 6 and exhibit 1, the Petition compares various states of various sizes in how they compare in terms of the number of stations per person. This is a laudable metric, as more stations equals more choice of programming for the listener. It is not clear from the data presented whether the numbers include non-commercial broadcasters and LPFMs, but surely much of their content also contributes to a higher quality of life.

If more stations make life better, the licensing of more stations, LPFMs in particular, can help New Jersey catch up with the rest of the country in the number and quality of broadcasters. This would be a great way for New Jersey to reduce Pennsylvania's "astonishing 323% advantage" in the number of FM stations per population; New Jersey clearly need more FM stations. If there is space for any new stations, it would be the small ones that the Petition seeks to eliminate. The NJBA's reasoning just does not make any sense.

How to be more spectrally efficient

With the limited spectrum available to FM broadcasters, efficiency is a major concern. The conventional wisdom that bigger stations are more efficient than smaller stations dates from a time before microprocessors, cellular telephony and Wireless Local Area Networks ("WLANs"). Over the past two decades we have learned that small transmitters combined with intelligent frequency selection encourage an efficient use of spectrum, even entirely without regulation. Regulation needs to wisely apply this knowledge.

For an example of how smaller is better, consider cellular telephony. Coverage of a new market usually starts with the creation of a few, high-powered base stations. As the demands for capacity increase, these big cells are replaced with clusters of smaller cells, that generate much less interference, which allows for a more aggressive frequency-reuse pattern. This technique is called "cell splitting". All this, of course, relies on a mechanism to transfer the cellphone from one cell to the other ("handoff").

It is time we applied some of these learnings to FM broadcasting. With the Radio Broadcast Data System[1], the mechanisms exist to transfer a radio from one frequency to the other. These mechanisms have been around for many years and are widely deployed in Europe. For example, one can traverse the entire country of Great Britain by car and listen to the same program without touching the radio once. The receiver will automatically change frequency based on the signal strength and alternative frequency ("AF") information provided by the station it is currently receiving.

1 "*United States RBDS Standard*", NRSC-4, published by the National Radio Systems Committee, April 1998

Hence it is possible to build wide-reaching and efficient networks in the nooks and crannies of the spectrum, increasing overall utilization. Surely, this is an efficient way to add new stations to the dial, using the crumbs left over by the overpowered incumbents. Indeed, a few years down the line, the Commission may wish to re-evaluate whether it makes sense to have high-powered FM broadcasters at all. They may become dinosaurs in an age where the demographics have changed to a point where the listening population is spread out so far geographically, that the only way to economically cover a market is a cluster of low-powered translators that guide the listener's radio from one frequency to the next.

Summary

The FM radio listeners in the state of New Jersey might be better served by broadcasters who are able to innovate, rather than by those who ask for special privilege, claiming that they were disadvantaged by history. These innovators may well come from the LPFM community, as LPFM does not have all the legacy baggage of the incumbents and is driven by listeners, not advertisers. LPFM, and LP10 in particular, might just drive innovation and effective spectrum utilization the same way that IEEE 802.11 WLANs have done in the past several years, creating economic stimulus in the process.

Respectfully submitted,

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